

4142. Misbranding of "Trafton's Balm of Life." U. S. v. Myra B. Cyphers.
Plea of nolo contendere. Fine, \$10. (F. & D. No. 6153. I. S. No.
 8081-e.)

On June 23, 1915, the United States attorney for the District of Maine, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district an information against Myra B. Cyphers, St. Albans, Me., alleging shipment by said defendant, in violation of the Food and Drugs Act, as amended, on or about February 5, 1913, from the State of Maine into the State of Massachusetts, of a quantity of "Trafton's Balm of Life" which was misbranded. The product was labeled: (on carton) "Trafton's Balm of Life Put Up Only By Myra B. Cyphers, St. Albans, Me. This Medicine Contains 10 Per Cent Alcohol Cures: Asthma, Colds, Bronchitis, Coughs, Croup And All Diseases Tending to Consumption, Costiveness, Dropsy, Dyspepsia, Headache, Female Weakness, Palpitation of the Heart, Humors, Loss of Appetite, Poor Blood and General Debility. It Restores the Tone of the System, Gives Strength and Vigor to the Individual. Sent by Express to any who may Order Put up according to the Pure Food and Drugs Act, June 30th, 1906 One Bottle \$1.00, or Six Bottles for \$5.00 (New Label Adopted Jan. 1, 1907)." (On bottle) "Trafton's Balm of Life 10 Per Cent Alcohol Put up only by Myra B. Cyphers St. Albans, Maine Cures Asthma, Bronchitis, Croup, Coughs, Colds, and all Diseases of the Throat and Lungs, except Confirmed Consumption, Costiveness, Dyspepsia, Dropsy and General Debility. It Restores the Tone of the System, Creates Appetite and gives strength to the Body. A Sure Preventative of Consumption, if taken in Season. This is a New Medicine And its Cures are miraculous as shown by the many Testimonials. Directions—For male adults, one tablespoonful three times a day, directly after eating, and in Asthma, Bronchitis, Coughs, Colds, etc., another on going to bed. Females, about two-thirds the quantity; in many cases one teaspoonful is sufficient. Children ten years of age, one teaspoonful, one year of age one-half teaspoonful. Others in proportion according to age and constitution. Sent by Express to all who may order. One Bottle, \$1.00, or Six Bottles for \$5.00 (New Label Adopted Jan. 1, 1907.)" The circulars or pamphlets accompanying the article contained, among other things, the following statements: "Humors Completely eradicated by its use if taken in season. Cleanses the Blood and keeps the system free from Cancers, Tumors, Swellings, and all diseases arising from Impure Blood." "Heart Disease That distressing and dangerous complaint soon yields to the potent effects of the medicine. It has cured many of the worst cases as shown by the numerous testimonials. (See other side of this circular.)" "Rheumatism is soon cured by it, by purifying the blood."

Analysis of a sample of the product by the Bureau of Chemistry of this department showed the following results:

Alcohol (per cent by volume)	9.75
Methyl alcohol: Absent.	
Solids (grams per 100 cc)	4.70
Ash (grams per 100 cc)	4.23
Iodids as potassium iodid (grams per 100 cc)	4.00
Acid resin (grams per 100 cc)	0.021
Alkaloids (grams per 100 cc)	0.006
Morphine and its derivatives: Absent.	
Cocaine and its derivatives: Absent.	

Misbranding of the article was alleged in the information for the reason that the following statements regarding the therapeutic or curative effects thereof,

appearing on the labels aforesaid, to wit, (On carton) "Trafton's Balm of Life * * * Cures: * * * Bronchitis * * * And All Diseases Tending to Consumption * * * Headache, Female Weakness, * * *," (On bottle) "Trafton's Balm of Life * * * Cures * * * Bronchitis, * * * Dropsy * * * A Sure Preventative of Consumption, if taken in Season. * * * And its Cures are miraculous as shown by the many Testimonials. * * *," were false and fraudulent in that same were applied to said article knowingly and in reckless and wanton disregard of their truth or falsity so as to represent falsely and fraudulently to the purchasers thereof, and create in the minds of purchasers thereof the impression and belief, that it was in whole or in part composed of, or contained, ingredients or medicinal agents effective, among other things, for the cure of bronchitis and all diseases tending to consumption, headache, female weakness, and dropsy, and effective as a sure preventive of consumption if taken in season; when, in truth and in fact, said article was not in whole or in part composed of, and did not contain, ingredients or medicinal agents effective, among other things, for the cure of bronchitis and all diseases tending to consumption, headache, female weakness, and dropsy, or effective as a preventive of consumption. Misbranding was alleged for the further reason that the following statements regarding the therapeutic or curative effects of the article, included in the circulars or pamphlets aforesaid, to wit, "* * * keeps the system free from Cancers, * * * and all diseases arising from impure blood," "Heart Disease * * * soon yields to the potent effects of the medicine. It has cured many of the worst cases * * *," "Rheumatism is soon cured by it, * * *" were false and fraudulent in that, by means of the said circulars or pamphlets, they were applied to said article knowingly and in reckless and wanton disregard of their truth or falsity so as to represent falsely and fraudulently to the purchasers thereof, and create in the minds of purchasers thereof the impression and belief, that it was in whole or in part composed of, or contained, ingredients or medicinal agents effective, among other things, for preventing cancers and all diseases arising from impure blood, and effective for curing heart disease and rheumatism; when, in truth and in fact, said article was not in whole or in part composed of, and did not contain, ingredients or medicinal agents effective, among other things, for preventing cancers or all diseases arising from impure blood, or effective for curing heart disease or rheumatism. Misbranding was alleged for the further reason that the circulars or pamphlets aforesaid bore another statement regarding the therapeutic or curative effects of the article, to wit, "Consumption cured", said statement being incorporated in the circulars or pamphlets aforesaid, in manner and form as follows, to wit, "Consumption Cured. 'East Dixmont. I was sick three years and the doctors called my disease Consumption. The last part of the time I coughed nearly or quite one-half of the time day and night; was greatly reduced; could not dress myself without help. I had tried the best medical aid I could obtain, and every remedy recommended for consumption, with but little benefit, but when hope had almost fled, I was advised by a friend to try your Balm of Life. They said it had done great cures, so I obtained a bottle of your agent, Mr. Stevens, commenced according to directions, and began immediately to improve. In one week my cough was decidedly better; in one year I was entirely well. Mary Loud,'" which said statement was false and fraudulent in that it was applied to said article knowingly and in reckless and wanton disregard of its truth or falsity so as to represent falsely and fraudulently to the purchasers thereof, and create in the

minds of purchasers thereof the impression and belief, that it was in whole or in part composed of, or contained, ingredients or medicinal agents effective for the cure of consumption; when, in truth and in fact, said article was not in whole or in part composed of, and did not contain, ingredients or medicinal agents effective for the cure of consumption.

On July 3, 1915, the defendant entered a plea of nolo contendere to the information, and the court imposed a fine of \$10.

CARL VROOMAN, *Acting Secretary of Agriculture.*